

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID GONZALEZ,

Defendant.

Case No. 3:11-cr-00055-HDM-WGC

ORDER


In 2012, the defendant, David Gonzalez, was sentenced to 78 months' imprisonment and a lifetime term of supervised release for the crime of receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2). (ECF No. 63, 65, 67). Upon the defendant's release from custody on or about December 4, 2015, supervised release commenced. The defendant now moves the court to reduce his term of supervised release. (ECF No. 68). The government opposes the defendant's motion (ECF No. 69), while the Probation Department does not oppose. The defendant has not replied, and the time for doing so has expired.

At any time after one year of supervised release has expired, and after considering several enumerated 18 U.S.C. § 3553(a) factors, the court may modify or terminate a term of supervised release "if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e).

1       The court has considered the record and the pleadings on  
2 file in this matter and finds that termination of supervised  
3 release is not warranted at this time. The United States  
4 Sentencing Guidelines' policy statement specifically recommends  
5 lifetime supervision for sex offenses, which include receipt of  
6 child pornography in violation of 18 U.S.C. § 2252A. *United*  
7 *States v. Daniels*, 541 F.3d 915, 923 (9th Cir. 2008) (citing  
8 U.S.S.G. § 5D1.2(b)). Further, while defendant's engagement with  
9 supervision, volunteer efforts and charitable contributions are  
10 laudable, the court concludes, for the protection of the public,  
11 that continued supervision is appropriate because of the nature  
12 and severity of the crime and because the record reflects that  
13 the defendant has indicated that he had a compulsion to view  
14 child pornography for many years and did not believe he could  
15 stop. The court also concludes that the defendant will benefit  
16 from further counseling as required by the probation department  
17 and that there is continued benefit to both the public and the  
18 defendant from the department's monitoring of the defendant for  
19 pornographic material. Accordingly, the defendant's motion to  
20 modify supervised release (ECF No. 68) is DENIED. The denial is  
21 without prejudice.

22       IT IS SO ORDERED.

23       DATED: This 16th day of June, 2022.

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26       UNITED STATES DISTRICT JUDGE  
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